

CV 17-6457

ORIGINAL

DONNELLY, J.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BLOOM, M.J.

JAMES BENBOW

Plaintiff,

CIVIL RIGHTS COMPLAINT

42 U.S.C. § 1983

[Insert full name of plaintiff/prisoner]

JURY DEMAND

YES **X** NO

-against-

Police Officer Brian W. Feely, Et. al.

Police Officer Matthew J. Rosiello,

Police Officer Kenneth L. Anderson,

Sergeant William A. Daib,

Police Officer Shaniel A. Mitchell,

Police Officer Stephen T. Minucci,

Defendant(s).

[Insert full name(s) of defendant(s). If you need additional space, please write "see attached" and insert a separate page with the full names of the additional defendants. The names listed above must be identical to those listed in Part I]

- I. Parties: (In item A below, place your name in the first blank and provide your present address and telephone number. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff **JAMES BENBOW B&C # 141-17-04208**

If you are incarcerated, provide the name of the facility and address:

North Infirmary Command

1500 Hazen Street

East Elmhurst, New York 11370

Prisoner ID Number: **B & C #141-17-04208**

Defendant No. 3A

Sergeant William A. Daib
NYPD Sergeant, Assigned Command 077
(Conditions Team)

Shield # 4730

123rd Precinct

Address

Defendant No. 4

Police Officer Shaniel A. Mitchell
Full Name

Police Officer, Assigned Command 077 Anti-Crime
Job Title

Shield # 3304

105th Precinct

Address

Defendant No. 5

Police Officer Stephen T. Minucci
Full Name

Police Officer Assigned Command 077 Anti-Crime
Job Title

Shield # 7979

68th Precinct

Address

II. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 ½ by 11 sheets of paper as necessary.)

Where did the events giving rise to your claim(s) occur? Downtown Brooklyn, in
the County of Kings in the vicinity of 180 Nassau Street
between Bridge & Duffield Streets.

When did the events happen? (include approximate time and date) On March 7th, 2015

approximately 12:53 AM.

If you are not incarcerated, provide your current address:

Telephone Number: _____

B. List all defendants. You must provide the full names of each defendant and the addresses at which each defendant may be served. The defendants listed here must match the defendants named in the caption on page 1.

Defendant No. 1

Police Officer Brian W. Feely

Full Name

Police Officer, Assigned Command 077

Job Title

(Conditions Team)

Shield # 2768

SC - 4th Precinct

Address

Defendant No. 2

Police Officer Matthew J. Rosiello

Full Name

Police Officer, Assigned Command 077

Job Title

(Conditions Team)

Shield # 20090

SC - 3rd Precinct

Address

Defendant No. 3

Police Officer Kenneth L. Anderson

Full Name

Police Officer, Assigned Command 077

Job Title

(Conditions Team)

NC - 1st Precinct

Facts: (what happened?) On March 7th, 2015, approximately 12:53 AM
in the vicinity of 180 Nassau Street (Bet. Bridge and Duffield
Streets), after exiting the Amarichi Prime Resturaunt & Lounge
in Downtown Brooklyn, County of Kings, State of New York, with-
out just cause or provocation, plaintiff (James Benbow) was physic-
ally assaulted and battered by one or more member(s), officer(s)
and/or agents of the New York Police Department, who were acting
within the scope of their official employment and/or course of
their duties with the City of New York and/or the New York City
Police Department. Plaintiff was seriously and physically injured
when shot two times in the back by one or more police officers of
the New York Police Department, Brooklyn North Narcotics Division.
Plaintiff was then arrested without probable cause and wrongfully
detained and remains so wrongfully detained. In intentionally
and negligently inflicting serious and/or severe physical injuries,
causing conscious pain and suffering and serious emotional injuries,
in negligently shooting, in negligently hiring, training and/or
supervising police officers of the New York Police Department, and
(see additional page)

II.A. Injuries. If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

Plaintiff suffered severe physical injuries, conscious pain and
suffering, mental and emotional injuries, loss of liberty, loss
and/or deprivation of civil rights, fear, humiliation, medical ex-
penses, loss of earnings and earning capacity. Plaintiff's in-
juries required immediate surgery to remove the bullets from his
back.

Cont.

F A C T S

in all other ways, the City of New York, and/or the New York City Police Department, its agents, servants, employees and/or police officers were negligent, careless, and reckless.

Said surgery was performed at Kings County Hospital & Trauma Center, located at 451 Clarkson Avenue, Brooklyn, New York 11203.

Plaintiff has suffered losses in excess of twenty-five million dollars.
(\$25,000,000.00)

III. Relief: State what relief you are seeking if you prevail on your complaint.

Plaintiff seeks : Declaratory damages, compensatory damages,
and punitive damages in excess of twenty-five million dollars
(\$25,000,000.00).

I declare under penalty of perjury that on _____, I delivered this
(date)
complaint to prison authorities at North Infirmery Command to be mailed to the United
(name of prison)
States District Court for the Eastern District of New York.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 10/28/17

James Benbow
Signature of Plaintiff James Benbow

North Infirmery Command

Name of Prison Facility or Address if not incarcerated

North Infirmery Command (N.I.C.)

1500 Hazen Street (Riker's Island)

East Elmhurst, New York 11370

Address

B&C # 141-17-04208

Prisoner ID#